

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 22, 2006 LB 409, 860

marital discussion or dispute, the husband could sell the property right out underneath the wife and she wouldn't even know it happened, and she'd be out on the street looking for a place to live after he left town. Since that time, obviously, this statute has been in place, and it frustrates a particular situation. Say we have a husband and a wife both...you know, one in the military, and while the husband is away serving in the military, the wife decides they're going to move to a different home. She can't even use a power of attorney to sign his name. It must be the physical signature of the marital parties, both of them. So this bill allows real estate to be transferred or conveyed by operation of a power of attorney granting an attorney in fact the right to sign for that individual, or a guardian or a conservator. Now, Senator Beutler and I have discussed this. The fact that a guardian is listed in here may not be necessary, and we're going to fix that on Select File. But a conservator can transfer the financial assets of his or her ward. So this bill simply does that. It allows property to be transferred. And I would ask you to think of the folks serving in the military. If the spouse here in our state is trying to do that, it's very difficult, even with the power of attorney. In fact, it's prohibited under this section of law. Thank you for your consideration.

SENATOR CUDABACK: Thank you, Senator Flood. You've heard the opening on LB 409. Open for discussion. Senator Flood, there are no senators wishing to speak. Senator Flood waives closing. The question before the body is, shall LB 409 advance to E & R Initial? All in favor of the motion vote aye; opposed to the motion vote nay. The question before the body is the advancement of LB 409. Have you all voted who care to vote? Please record, Mr. Clerk.

ASSISTANT CLERK: 41 ayes, 0 nays to advance the bill.

SENATOR CUDABACK: LB 409 does advance. Next agenda item, when you get time, Mr. Clerk, LB 860.

ASSISTANT CLERK: Mr. President, LB 860 was introduced by Senator Raikes. (Read title.) The bill was read for the first time on January 6 of this year, referred to the Education